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TAGS: [PGOV](#) [PREL](#) [PTER](#) [KDEM](#) [PHUM](#) [PTBS](#) [KJUS](#) [IZ](#)
SUBJECT: UPDATE #7: NINEWA SCORE REMAINS 3 TO 8 - SEEKING A
POLITICAL SOLUTION

REF: A. BAGHDAD 458
[B. BAGHDAD 451](#)
[C. BAGHDAD 413](#)
[D. BAGHDAD 381](#)
[E. BAGHDAD 375](#)
[F. BAGHDAD 369](#)

Classified By: Political Counselor Yuri Kim for reasons 1.4 (b) and (d)

[1](#). (C) SUMMARY. As of late afternoon February 23, the three Wana detainees in Mosul have been formally charged under Chapter 2 Paragraph 222, which pertains to offenses against the state, in regards to gathering with intent to commit crimes. The three could remain in jail pending apprehensive of six others alleged to have participated in the assault on PGOV Nujaifi's convoy. Meanwhile, KMOI Sinjari acknowledged that Kurdish security forces were holding eight captives but denied that the detentions were a retaliatory move. The five detainees taken from Wana are being held for possible charges under Article 156, which carries a maximum life sentence; no charges have been filed against the Hamdaniya captives who are detained in Dohuk. The PRT and USF-I have solicited the help of the Turkish Consul and influential Shaikh Faisal al-Yawr to find political solutions to the current situation. Nujaifi is willing to accept the "transfer" of the case to the Provincial Council (PC) for a vote that could result in the release of the detainees pending further investigation; this would provide Nujaifi a face-saving way to effect the release. The PC has yet to decide if it would be willing to take this on. In addition, the judges do not consider a PC vote binding and plan to continue with the investigation and possible trial. In the meantime, PGOV insists on traveling to Ba'aj and Zumar using local IP for security escort even though USG has warned that if a violent confrontation were to occur, it could result in innocent people being killed. Senior Advisor for Northern Iraq (SANI), in coordination with USF-I, continues to press KRG officials for release of the 8 captives. END SUMMARY.

SPECIFIC CHARGES AGAINST WANNA 3

[2](#). (C) Investigative Chief Judge (IJ) Ibrahim Ali Ali reported that the three incarcerated Wana detainees in Mosul are now considered defendants suspected of assaulting the PGOV Nujaifi. They could remain in custody until six other, more culpable, persons allegedly involved in the assault are arrested and brought in for questioning. Witnesses claim they saw two persons discharge firearms into the PGOV's vehicles; two detainees are suspected shooters. The third defendant is being held because of a message on his cell phone stating, "kill the governor." IJ intends to place the defendants in a lineup to determine if witnesses can pick them out as assailants at the crime scene. IJ said he might sever detainees who were released last week from the main case and dispose of their charges separately (presumably that also

includes the two juveniles) and focus the investigation on the six other persons accused of being the ringleaders (Abdullah Goran, Ali Karro, Arif Chanchi, Salah Jama'ah, Younis Hammado, and Ali Mohamad Salih) -- suspects who the court said need to be brought before the IJ panel for questioning. IJ notified the Provincial Directorate of Police (PDOP) of the court-issued arrest warrants and requested that the PDOP coordinate arrest plans with the Tal Kayf IP.

KRG CONFIRMS HOLDING DETAINEES

13. (C) Perhaps distancing himself from the extra-judicial fray, on February 21 KRG Chief of Staff (COS) Fuad Hussein Qfray, on February 21 KRG Chief of Staff (COS) Fuad Hussein told SANI that KSF detainees fall under the authority of KRG Intelligence Director Masrur Barzani and KMOI Karim Sinjari. Erbil RRT Team Leader confirmed with KMOI Sinjari that the Assayesh were indeed holding all 8 detainees (5 from Wanna and 3 from Hamdaniya, including two members of the district council.) in Dohuk. Sinjari stated that USF-I could conduct a welfare check on the detainees on February 22 (subsequently rescheduled due to weather). Sinjari was not apologetic, stating the detainees were not/not taken in retaliation for the people being held in Mosul. He claimed there were warrants for their arrest and they were being charged for incitement between Kurds and Arabs. KMOI advised that the IJ in Dohuk who handles Assayesh cases had reviewed the cases and will continue to do so, but that this is a normal court proceeding. Erbil RRT Team Leader pointed out that the seizure of these people could be perceived to be a retaliatory move.

14. (C) On February 21 Dohuk IJ Jasem Mohammed Mustafa

confirmed the names of the five (Abd al-Raf'a Abd al-Kareem Younis, Khaled Shakeer Hassan, Ghazi Sullieman Mahmood, Mahmood Hussein Jasem, Ali Hazem Mosa) being held in Dohuk to the RRT Erbil Resident Legal Advisor. IJ Mustafa explained that they were being held under Iraqi Penal Code Article 156 (Any person who willfully commits an act with intent to violate the independence of the country or its unity under the security of its territory and that act, by its nature, leads to such violation is punishable by life imprisonment).

KEY PLAYERS SEEK A POSSIBLE POLITICAL SOLUTION

15. (C) On February 21, USG interlocutors met with Shaikh Abdullah al-Yawr's brother Faisal, the Ninewa 1st Vice Governor, who offered to create an opportunity for the families of the accused attackers to apologize to the PGOV, noting that Bedouin culture places high esteem on those who seek forgiveness. Faisal was quite confident that he could convince the PGOV to withdraw his complaint, leading to a possible release. He also offered to engage the former peshmerga LNO to the NOC, BG Jameel, to urge the Kurds to calm down and back off the aggressive kidnapping. (Note: USF-I facilitated this direct contact immediately following this meeting. End Note.) Faisal said he would help discourage PGOV from future movements which could lead to violence. Faisal noted that his brother Sheikh Abdullah, head of the Shammari tribe, was irate with the PGOV for his movement to Tal Kayf, which has unnecessarily renewed Arab-Kurd tensions.

16. (C) Attempting to find a face-saving solution to his predicament, on a February 22, PGOV Nujaifi offered to "transfer" the case to the PC and let it deal with the courts as long as the Kurds cease and desist on hostage-taking, and release the victims. He explained that in this way, he could tell his people that he was not backing away from the case and would accept the scenario if the PC were to take action resulted in the release - perhaps on bond pending further investigation - of the remaining three Wanna detainees. PGOV reiterated that his political party, al-Hadba, has built its reputation on rule of law and convinced citizens to adhere to these principles. He asserted that, "To release those who

tried to harm me without justice would undermine the credibility of my government, and we would lose face." Separately, however, the Mosul judges told the PRT that a PC vote is not binding on the court since violation of Article 222 is not an offense against a person, but against the State, and therefore the PGOV's recommendation is not binding on them. Accordingly, the court will continue its investigation of the three and refer cases to the Trial Court for disposition if/when warranted.

¶17. (C) The Ninewa PC leadership told USG interlocutors that it is willing consult with the PGOV on such efforts, but is wary about any perception of a trade of detainees for hostages, which would undermine the rule of law. PC Chair Jabir Mohammed said he will do everything possible to avoid escalation and discuss with the PGOV efforts to get past the detainee issue. However Mohammed insisted that the KSF must release the eight detainees.

¶18. (C) Turkish Consul General Ahmet Yildez told PRT Team Leader and USF-I that he wants to be helpful. He reiterated that the PGOV needs to have a face-saving solution, reminding us that PGOV won by a wide margin in the provincial elections Qus that PGOV won by a wide margin in the provincial elections promising to deal with KSF impunity and disregard for rule of law. He expressed concerned that the USG views Nujaifi rather than the KRG as the problem.

¶19. (C) In response to SANI's February 21 letter to KRG PM Barham Salih demanding the immediate release of all detainees held by KSF, PM Salih commented that the situation was indeed unfortunate and frustrating. He relayed that he had spoken with KRG President Masoud Barzani. He stressed that passions were running high concerning the three remaining Wanna detainees, called for the immediate release of the three, and pledged that that he would do his best to calm the situation. (Note: Salih is unlikely to have significant influence on this case because security issues in Ninewa are a clear KDP lead. End Note.)

PGOV PLANS TO TRAVEL

¶10. (C) Meanwhile, the PGOV says he intends to travel through Combined Security Area (CSA) to Ba'aj and Zumar by the end of the week. (Note: Zumar is located in the disputed territories and Ba'aj nominally requires transit through disputed Sinjar. End Note.) PGOV stated that he will

have IPs escort him and coordinate with local IPs to escort him when he arrives there. He plans to notify the Ninewa Operations Command and USF-I, and attempt to avoid the "other side." PRT Leader reminded PGOV that travel to these areas will likely incite violence as the peshmerga have behaved irrationally throughout this situation and USF-I will not get in the middle of an altercation. USF-I notified PGOV that he would not get a USF-I escort prior to a renewal of CSM coordination. Regardless, PGOV is adamant about election campaigning in these areas.

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